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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF DISAPPEARANCES AND SUMMARY EXECUTIONS

Letter dated 3 April 2002 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Chairperson of the fifty-eighth session of the Commission on Human Rights

I have the honour to refer to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2002/74) which was submitted to the fifty-eighth session of the Commission on Human Rights.

I enclose a letter dated 3 April 2002, which I sent to the Special Rapporteur, and request that the attached letter* be circulated as an official document of the fifty-eighth session of the Commission on Human Rights under item 11 (b).

(Signed): Vanu GOPALA MENON
Ambassador
Permanent Representative

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* Reproduced as received, in English only.

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Annex

PERMANENT REPRESENTATIVE
OF THE REPUBLIC OF SINGAPORE
TO THE UNITED NATIONS

Phone: (4122)929 6644
Fax: (4122) 929 6658

3 April 2002

Ms Asma Jahangir
UN Special Rapporteur
on Extrajudicial, Summary or Arbitrary Executions
c/o Office of the United Nations High Commissioner
for Human Rights
Palais Wilson
51 rue de Paquis
1201 Geneva

Dear Ms Jahangir

I refer to your report on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/2002/74), which was submitted to the 58th Session of the Commission on Human Rights (CHR). The Singapore Government is concerned with the manner that you had discharged your mandate and would like to make the following comments:

(a) In paragraph 8, you stated that you intervened "where capital punishment is imposed in violation of articles 6.2 and 15 of the International Convenant on Civil and Political Rights and article 37 (a) of the Convention on the Rights of the Child, article 77.5 and other relevant articles of the Geneva Conventions of 1949 and the Additional Protocols thereof of 1977". While this may be part of your mandate, we note that in the various instances where you had written to Singapore, you failed to explain how the cases fell within the competence of your mandate. You gave absolutely no reasons why you had reasons to believe there might be a situation of extrajudicial, summary or arbitrary execution that would justify your interest in these cases.

(b) In paragraph 12, you stated that you "have been selective in sending communications" to governments, basing your "criteria on proper verification of the case, as well as the nature and seriousness of the allegation". Furthermore, in paragraph 97, it was stated that action was taken "in cases of capital punishment in which there is reason to believe that international restrictions" are not respected. If these are indeed the basis of your communications with governments, your enquiries should have been accompanied by evidence to substantiate your claims. However, our

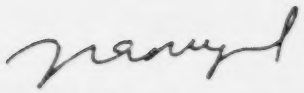
experience shows that instead of first ascertaining the facts, your letters merely contain citations of UN and CHR resolutions, carrying with them insinuations of possible wrongdoing by our judiciary. In doing so, you have betrayed your bias, prejudging the cases, and casting aspersions on the integrity of our judiciary and the judicial safeguards observed by our courts. The Singapore judiciary is highly regarded and internationally recognised for its strong professionalism and integrity. It has consistently been ranked highly in many international surveys. For example, the World Competitiveness Yearbook 2001 had ranked Singapore among the top 15 countries of the world in terms of fairness of administration of justice.

(c) In paragraph 125, you have stated that "the decision by the international community not to include the death penalty in the Rome Statute of the International Criminal Court is noteworthy". Unfortunately, this assertion is only a half-truth. In his statement to the plenary of the Rome Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, the President of the Conference declared that the debate at the Conference on the issue of which penalties should be applied by the Court showed that there is no international consensus on the inclusion or non-inclusion of the death penalty, and further that not including the death penalty in the Rome Statute would not in any way have a legal bearing on national legislations and practices with regard to the death penalty, nor should it be considered as influencing, in the development of customary international law or in any other way, the legality of penalties imposed by national systems for serious crimes.

(d) In paragraph 126, under the heading of "Desirability of the abolition of the death penalty", you claimed that there is "an emerging global trend towards limiting the use of capital punishment". You also called upon "all retentionist Governments to impose a moratorium on executions" (paragraph 149). By doing so, you have once again betrayed a clear bias and chosen to gloss over the fact that there is no international consensus for the abolition of capital punishment. This view has been expressed by a significant number of countries over the years. The latest was at the 57th Session of the Commission on Human Rights where 61 countries, including Singapore, submitted a joint letter (E/CN.4/2001/161 and E/CN.4/2001/161 Corr.1) to the Chairman of the 57th CHR to disassociate themselves from CHR resolution 2001/68 on the death penalty. They have outrightly rejected any suggestion to abolish the death penalty.

2 I sincerely hope that the above comments would be taken into consideration in the discharge of your mandate.

Yours sincerely



VANU GOPALA MENON

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